

"Subject to Approval"

**Town of Simsbury
Conservation Commission/Inland Wetlands & Watercourses Agency
REGULAR MEETING MINUTES
Tuesday, March 15, 2016 at 7:30PM
Simsbury Town Offices – Main Meeting Room
933 Hopmeadow Street, Simsbury, Connecticut**

PRESENT: Margery Winters, Craig MacCormac, Andrew O'Connor, Donald Rieger,
Alternate Donna Beinstein, Planning and Community Director Jamie Rabbit and Assistant
Town Planner Michael Glidden.

ABSENT: David Cunningham, Jim Morrison, Philip Purciello, III, and Alternate Charles Haldeman.

I. CALL TO ORDER:

Chairman Margery Winters called the meeting to order at 7:30PM.

II. ROLL CALL:

1. Appointment of Alternates.

Ms. Donna Beinstein was seated for Jim Morrison.

III. APPLICATIONS:

1. Administrative Approvals.

None.

2. Discussion and Possible Action.

**A. CONTINUED FROM 02/02/2016; CONTINUED FROM 02/16/2016; CONTINUED TO
03/15/2016: Application #16-03 of BMG Management, LLC, Owner, for clearing and regrading
the parking lot to install utilities and improve drainage on the property located at 560-566
Hopmeadow Street (Assessor's Map G12, Block 132, Lot 036). Zone B-1. (received 01/19/2016;
30-day extension requested; decision must be rendered by 04/23/2016)**

Attorney Louis George of Hassett & George, P.C. appeared before the commission on behalf of the applicant. Also appearing before the commission regarding this application was Brian Denno, L.S. of Denno Land Surveying. Attorney George reported that his client, Benny Gjonjablaj, of BMG Management, LLC, was owner of the package store at the subject property and is looking to expand the restaurant in an area between the two buildings. He explained that in order to accomplish this, it would require additional parking. Attorney George noted the area that the expanded parking is proposed, explain that it is within an upland review area but not directly within the wetlands. He reported that no drainage for the parking lot presently exists, with runoff flowing to the south and east. The proposal will include a paved area with a retaining wall and an underground drainage system. Attorney George reported that an approval had been secured for the removal of an underground storage tank with the condition that a licensed professional be on site for the entire time of the removal. He explained that he had forwarded a correspondence to Assistant Town Planner Michael Glidden seeking to modify this condition noting that the contractor will cease activity if something is found to be wrong or suspect and would in those circumstances, bring a licensed professional on site.

Mr. Denno then reviewed the technical aspects related to the application. He explained that with the two businesses sharing common hours, expanded parking was a necessity. Mr. Denno reported that the applicants had received approval from the Zoning Board of Appeals for increasing the amount of hard surface and for being closer to the property line. The plan has been modeled for all storms required and reported that there will be less runoff post construction than there is now, according to Mr.

Denno. He noted that the town had expressed concerns that the walking path could get flooded but explained that it is elevated at this site so it will not be a concern.

Commissioners had questions regarding topography and grade of the parking lot and the drainage. Mr. Denno explained that construction will occur from the parking lot side not the wetland side. He noted that the project will need site plan approval from Zoning but is scheduled to begin as soon as possible. Mr. Rieger questioned staff whether it was customary to dispense with the licensed professional and rely on the contractor with regards to the tank removal. Planning and Community Development Director Jamie Rabbit explained that when the tank comes out, it is a requirement of the Building Department that they be on site and inspect the bottom of the excavation. He noted that they are also required by law to take a soil sample for testing.

MOTION: Mr. Rieger, Mr. O'Connor second, that the Commission finds the activity in this application to be a regulated activity as it involves construction, deposition of material and movement of material in the upland review area; unanimously approved.

MOTION: Mr. Rieger, Mr. O'Connor second, that the Commission finds that said activity is not a significant activity as it does not portend any damage to the wetlands; unanimously approved.

MOTION: Mr. Rieger, Mr. O'Connor second, that the Commission approves the permit for Application #16-03 subject to the following conditions:

1. *The Conservation Commission's agent shall be notified at least forty-eight (48) hours prior to commencement of any regulated activity.*
2. *Final stabilization of disturbed soil shall be stabilized with the application of loam, seed, required plantings and appropriate erosion control measures.*
3. *At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Commission's agent to prevent erosion and sedimentation impacts to wetlands and watercourses.*
4. *Erosion control and soil stabilization measures shall comply with the approved plans and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, CTDEP Bulletin 34.*
5. *Upon direction of the Commission's agent, erosion and sediment control measures shall be removed by the applicant following stabilization of the site.*
6. *Limits of disturbance shall be marked in the field prior to commencement of site work. Applicant shall coordinate with the Commission's agent to review and approve said limits of clearing.*
7. *Parking lot and drainage improvements shall be completed prior to issuance of building permit for interior renovations.*
8. *As-Built will be required for the parking lot expansion for issuance of building permit for interior renovation.*
9. *Engineer shall certify that proposed underground storm water management system is installed per plans at appropriate elevations.*

All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, deposition of fill, obstructions of flow, encroachments or other regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in permit modification, suspension or revocation.

In the event that any wetland or watercourse regulated activities are required as a result of other agency permitting to support the proposed activity, the Simsbury Conservation Commission reserves the right to reconsider the proposed activity and may require modifications to minimize the impact to wetland resources.

In evaluating this application, the Commission has relied on information provided by the applicant. If such information subsequently proves to be false, incomplete and/or inaccurate, this permit may be modified, suspended, or revoked; unanimously approved.

MOTION: Mr. Rieger, Mr. O'Connor second, that the previous approval for underground storage tank removal be amended so as to remove the requirement that a licensed professional be on site for the entire duration of said removal; unanimously approved.

B. Application #16-04 of Dan Lacz, SL Simsbury LLC, Owner, for the demolition of the existing multi-story office building within the upland review area to a wetland on the property located at 200 Hopmeadow Street (Assessor's Map F17, Block 154, Lot 009-2). Zone Hartford-Simsbury Form-Based Code. (received 03/01/2016; decision must be rendered by 05/05/2016).

Attorney T.J. Donohue of Killian & Donohue, LLC appeared before the commission on this application. Paul Vitaliano, a Civil Engineer with VHB of Wethersfield, Connecticut distributed documents for review by commissioners. Mr. Vitaliano described the applicant's proposal for demolition of the 210,000 square foot building formerly occupied by The Hartford. He noted that there are 650 square feet of the site within the upland review area and provided an overview of the site. Mr. Vitaliano reported that there will be no direct wetland impacts. He also noted that precautions will still be taken to assure that sediment does not make its way into the wetlands as noted on the site plan. Mr. Vitaliano explained that imbedded silt fence will be around the site and silt socks will be laid within the catch basins so that any kind of runoff will be captured. He noted that VHB is not anticipating large amounts of dirt and soil removal but are taking out the slab and the footing. This concrete will be recycled, reclaimed, and reused to fill the voids of the slab and footings which will create a semi-permeable surface so that during rain events, it will be infiltrated, according to Mr. Vitaliano. He noted that the contractor will be instructed to take precautions with dust control, explaining that a light mist spray will aid to keep particles/particulate down. He also noted that doing the demolition in phases will aid in controlling runoff, too. Mr. Vitaliano then discussed scheduling briefly.

Sara Fusco, Soil Scientist, testified that she inspected the wetlands on this property and noted that this plan will not have any direct impacts to wetlands.

Mr. Vitaliano described dust control in greater detail. He explained that the area will be sprayed in an effort to wet down the area, not to soak the soils. Mr. Vitaliano reported that it is a light mist to weigh the particle down and that the areas that they would most likely be spraying, if there is any dust, is the areas of the concrete reclaiming utilizing small enough stock piles that can be covered with tarps. Mr. Mancini, a representative from the demolition company, noted that there will be just enough water to knock the dust down not to soak the place.

MOTION: Mr. MacCormac, Ms. Beinstein second, to approve Application #16-04 of Dan Lacz, SL Simsbury LLC, Owner, for the demolition of the existing multi-story office building within the upland review area to a wetland on the property located at 200 Hopmeadow Street (Assessor's Map F17, Block 154, Lot 009-2). Zone Hartford-Simsbury Form-Based Code. (received 03/01/2016; decision must be rendered by 05/05/2016), subject to the following conditions:

- 1. The Conservation Commission's agent shall be notified at least forty-eight (48) hours prior to commencement of any regulated activity.**
- 2. Final stabilization of disturbed soil shall be stabilized with the application of loam, seed, required plantings and appropriate erosion control measures.**
- 3. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Commission's agent to prevent erosion and sedimentation impacts to wetlands and watercourses.**
- 4. Erosion control and soil stabilization measures shall comply with the approved plans and the guidelines as established in the Connecticut Guidelines for Soil Erosion and**

Sediment Control, 2002, CTDEP Bulletin 34.

- 5. Upon direction of the Commission's agent, erosion and sediment control measures shall be removed by the applicant following stabilization of the site.**
- 6. Applicant shall implement dust control during processing and demolition activities.**
- 7. Filling and grading activities are limited to the area of building's foundation.**

All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, deposition of fill, obstructions of flow, encroachments or other regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in permit modification, suspension or revocation.

In the event that any wetland or watercourse regulated activities are required as a result of other agency permitting to support the proposed activity, the Simsbury Conservation Commission reserves the right to reconsider the proposed activity and may require modifications to minimize the impact to wetland resources.

In evaluating this application, the Commission has relied on information provided by the applicant. If such information subsequently proves to be false, incomplete and/or inaccurate, this permit may be modified, suspended, or revoked; unanimously approved.

MOTION: Mr. MacCormac, Mr. O'Connor second, to move Agenda Item D ahead of Agenda Item C of Section 2 Discussion and Possible Action of III. Applications; unanimously approved.

D. Application #16-06 of Tom Earl, Westminster School, Applicant; The Trustees of Westminster School, Inc., Owner; for Chapter 128 review of the revision to the erosion & sedimentation control plan previously approved under Application #15-21 for development on the property located at 995 Hopmeadow Street (Assessor's Map H07, Block 103, Lot 034). Zone R-40.

Mr. Ron Bomengen, PE, of Fuss & O'Neill appeared before the commission regarding this application. Mr. Bomengen noted this application is proposing revisions to a dining hall project previously approved in July, 2015. He explained that since the time of approval, further construction document changes and value engineering have resulted in slight modifications to the site plan, including slightly additional clearing and some storm water changes.

Mr. Bomengen then reviewed the drawings, with a side by side presentation of previously approved layout compared to proposed revisions.

MOTION: Mr. Rieger, Mr. O'Connor second, to accept Application #16-06 of Tom Earl, Westminster School, Applicant; The Trustees of Westminster School, Inc., Owner; for Chapter 128 review of the revision to the erosion & sedimentation control plan previously approved under Application #15-21 for development on the property located at 995 Hopmeadow Street (Assessor's Map H07, Block 103, Lot 034). Zone R-40 subject to the following conditions:

- 1. The Conservation Commission's agent shall be notified at least forty-eight (48) hours prior to commencement of any regulated activity.**
- 2. Final stabilization of disturbed soil shall be stabilized with the application of loam, seed, required plantings and appropriate erosion control measures.**
- 3. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Commission's agent to prevent erosion and sedimentation impacts to wetlands and watercourses.**

4. Erosion control and soil stabilization measures shall comply with the approved plans and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, CTDEP Bulletin 34.

5. Upon direction of the Commission's agent, erosion and sediment control measures shall be removed by the applicant following stabilization of the site.

6. Special Conditions of Approval from Permit #15-21 are still in place.

7. Inlet protection needs to be provided for dry wells within infiltration basin shown on Sheet

8. Catch basin inserts shall be provided to all catch basins down gradient of the access driveway intersection with the campus main driveway.

9. The Applicant shall submit a revised detail associated with the proposed Temporary Sediment Traps that reflects the location as it relates to the site's topography. This detail shall be reviewed and approved by Staff.

10. The applicant shall modify proposed drainage run as shown on Sheet #2 to include a closed drainage system.

11. That any proposed walking path/trail be submitted to the Commission and reviewed by Staff for approval.

All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, deposition of fill, obstructions of flow, encroachments or other regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in permit modification, suspension or revocation.

In the event that any wetland or watercourse regulated activities are required as a result of other agency permitting to support the proposed activity, the Simsbury Conservation Commission reserves the right to reconsider the proposed activity and may require modifications to minimize the impact to wetland resources.

In evaluating this application, the Commission has relied on information provided by the applicant. If such information subsequently proves to be false, incomplete and/or inaccurate, this permit may be modified, suspended, or revoked; unanimously approved.

C. Application #16-05 of Joseph Campolieta, Applicant; Joseph Campolieta and Nancy Grandin, Owners; for an addition to the existing residence on the property located at 3 Browngate Lane (Assessor's Map C03, Block 203, Lot 032). Zone R-40 OS. (received 03/01/2016; decision must be rendered by 05/05/2016).

MOTION: Mr. MacCormac, Mr. Rieger second, to table Application #16-05 of Joseph Campolieta, Applicant; Joseph Campolieta and Nancy Grandin, Owners; for an addition to the existing residence on the property located at 3 Browngate Lane (Assessor's Map C03, Block 203, Lot 032). Zone R-40 OS. (received 03/01/2016; decision must be rendered by 05/05/2016) until the next regularly scheduled meeting; unanimously approved.

3. Receipt of New Applications.

Mr. Glidden reported that the Commission can expect two applications at their next meeting. Besides the one tabled at this meeting, the Department is in receipt of an application for a residential addition.

IV. GENERAL COMMISSION BUSINESS:

1. Commission Education/Workshop: Legal - Policy/Procedures.

Mr. Rabbit reported that while counsel was unable to be at this meeting, he intends to be present at the next regularly scheduled meeting. Mr. Rabbit also noted that the Simsbury Meadow review is ongoing.

Mr. Rieger reminded staff of his request for a copy of the Wetland Delineation Report in print form. It was noted that several copies should be available at the next meeting.

2. Correspondence.

Mr. Rieger provided commissioners with seven (7) separate Memorandums, all addressed to Conservation Commission/Inland Wetlands and Watercourses Agency, each dated March 10, 2016, explaining that they are in response to a comment from Mr. Glidden wherein he had noted that there would need to be specificity on a parcel by parcel basis. Ms. Winters questioned whether these memorandums had been forwarded to counsel. Mr. Rabbit noted that these came in two emails and while he could confirm that at least one of the emails had been forwarded on, he was uncertain whether both had. These memorandums carried the following reference lines: Auxiliary Building and Parking Lot Violation, Dog Park Violation, "Fireworks Road" Violation, North Overflow Parking Area Violation, South Overflow Parking Area Violation, Pedestrian Trail Violation, and Simsbury Meadows Trail.

Mr. Rieger addressed the Simsbury Meadows Trail approval that was granted in October, 2015, recalling testimony received that it was not very close to the marsh. He suggested that this permit should be modified, specifically that the portion of trail along the marsh to the west of the pine grove should be abandoned, pursuant to opinion received from Dr. Eileen Fielding. Mr. Rieger opined that the trail is not a sustainable trail.

Mr. Rabbit sought clarification on the photographs provided as part of Mr. Rieger's memorandum. He noted that these may be a result of the time when the river had risen five to six feet during a one-week time span recently and reported his appreciation for having the photographs as part of the historical record.

MOTION: Mr. Rieger, Mr. O'Connor second, **that the Commission take note of the fact that facts related to this site, though no one's fault, are different than what we had understood and that we modify the permit given, with respect to this property, solely to the extent of requiring as a condition that the trail segment to the west of the pine grove be abandoned, that under the supervision of the commission staff, the applicant sees to its re-vegetation with suitable shrubs and other plants and that the Applicant take reasonable steps to exclude the public from the area so as to avoid further damage to the marsh and any hampering of the re-vegetation process; Motion withdrawn.**

Mr. Rabbit noted that if conditions change, staff has the ability as well as the commission to potentially modify a permit but it is usually done in concert with the applicant. He noted that staff hasn't finished its evaluation of trail conditions as part of the approval process and has not come up with the cross-sections yet. It is possible through staff review that certain recommendations would be made with regards to dealing with conditions in the field like this, that may require a slight relocation, a major relocation, an abandonment, or a supplement to the application that has a secondary treatment like pilings or decking, according to Mr. Rabbit. He noted that there are other ways of protecting the marsh, allowing the ecosystem to exist, and yet still allow public access. Mr. Rabbit noted that it would not be staff's recommendation to treat this area by filling it but instead may include planting sufficient vegetation that could survive a wet condition but still allow access in a dry condition. He noted that the motion is devoid of the applicant's input. Mr. Rabbit sought to question Dr. Fielding and/or to review written correspondence from Dr. Fielding advising that the trail be closed. Ms. Winters noted that Dr. Fielding was not present. Correspondence from Dr. Fielding was not provided.

Mr. Rabbit noted that he will have staff out there this week to review this condition and if there is an issue with sediment transport, appropriate measures will be taken to contain that sediment within an area so that it does not exacerbate any existing conditions.

A site visit was planned for this segment of the trail on April 5, 2016 at 5:30PM.

V. APPROVAL OF MINUTES - MARCH 1, 2016 REGULAR MEETING:

Modifications to the March 1, 2016 Minutes include the following:

Line 249, the word "who" should read "whom";

Line 259, the word "sight" should read "site".

VI. ADJOURNMENT:

MOTION: Ms. Beinstein, Mr. O'Connor second, **to adjourn at 9:22PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Commission Clerk